



## **Fact Sheet on DNR's New Air Construction Permit Exemptions for Manually Operated Equipment, Non-Production Equipment and Equipment Vented Indoors**

The purpose of this fact sheet is to explain two new exemptions from the requirement to obtain an air construction permit. Unless covered by these exemptions or another exemption specified in 567 Iowa Administrative Code (IAC) 22.1(2), stationary air pollutant emitting equipment constructed or modified after September 23, 1970 (April 22, 1987 for volatile organic compound (VOC) only emitting equipment), are required to obtain an air construction permit prior to construction or modification. This is true for all stationary equipment with air pollutant emissions that could be reasonably captured and vented to the atmosphere through a stack, chimney, vent, or other functionally equivalent opening. EPA has not defined what is considered "reasonable" regarding the capturing and venting of emissions. Through application, however, the definition of reasonable is usually based on whether emissions from similar equipment at other facilities are being captured and vented through a stack or vent. If you are uncertain about the permitting requirements for stationary equipment located at your facility, please contact 1-877-AIR-IOWA for assistance.

### **How were the exemptions developed?**

The exemptions were developed during discussions between the DNR, the U.S. Environmental Protection Agency (EPA) and representatives of the Iowa Association of Business and Industry (ABI). All parties want to reduce the regulatory burden on industry. Emissions from the equipment included in the exemptions are likely to have little or no environmental or human health consequences.

### **What do the new exemptions cover?**

The two new exemptions are for specific types of equipment that are used for nonproduction activities, vented indoors, or are manually operated.

Subrule 22.1(2), paragraph "u" of 567 Iowa Administrative Code (IAC) applies to equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sandblast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals (except beryllium), plastics, concrete, rubber, paper stock, and wood or wood products, where such equipment is either used for nonproduction activities or exhausted inside a building.

Subrule 22.1(2), paragraph "v" of 567 IAC applies to equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, scarfing (tapered sanding), surface grinding, or turning, if the equipment is manually operated equipment, as defined in rule 22.100 of 567 IAC.

### **Who can use it? Can Title V Sources use it?**

Any facility may use the exemption provided that the equipment or process is not subject to federal air requirements, such as National Emission Standards for Hazardous Air Pollutants, New Source Performance Standards, etc. For questions and applicability, please call this toll-free number, 1-877-AIR IOWA (1-877-247-4692), for help with a determination.

For Title V sources, the exemptions will not be recognized by the EPA until EPA has adopted the changes into the state implementation plan for Iowa. To confirm the adoption status, please contact (515) 242-5100 and ask to speak to one of the planning staff.

**Can I use this for existing equipment?**

Yes. This exemption applies to all equipment that can be covered by the exemption, regardless of when the equipment was constructed or modified.

**What if I have an existing permit for a unit that now qualifies for the exemption?**

The existing permit will remain in effect. The DNR will not nullify an existing permit for this purpose.

**Where can I find a list of all exemptions?**

Exemptions are listed in the DNR's administrative rules. They are found in subrule 22.1(2) of 567 IAC.

The administrative rules are easily accessed on the Internet at <http://www.legis.state.ia.us/IAC.html> or can be obtained at the DNR records center. Go to 567 (Environmental Protection Division) and to Chapter 22. The exemptions are listed at the beginning of the chapter.

Policies and statements in this publication are intended solely as guidance, cannot be used to bind the agency, and are not a substitute for reading applicable statutes and rules.